

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:	§	Chapter 11
	§	
FOREST PARK MEDICAL CENTER, LLC ¹ ,	§	Case No. 16-40302-BTR
	§	
DEBTOR.	§	

**AGREED STIPULATION TO FILE
OPPOSITION TO THE MOTIONS TO DISMISS**

This stipulation and order (the “Stipulation”) is made by and between plaintiffs Sharda Parker and Jose Ibanez (the “Plaintiffs”), and Forest Park Medical Center, LLC (“FPMC,” and together with the Plaintiffs, the “Parties”), defendant in Adversary Proceeding No. 15-03139 in the Bankruptcy Court for the Northern District of Texas, and now the debtor in Case No. 16-40302-BTR in the United States Bankruptcy Court for the Eastern District of Texas, as of the date indicated below.

RECITALS

WHEREAS, Forest Park Realty Partners III, LP (“Realty”) filed a petition under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Texas on November 30, 2015, and Plaintiffs filed an adversary proceeding in that bankruptcy action against Realty and certain other defendants, including FPMC, on December 23, 2015;

WHEREAS, on January 27, 2016, Realty filed its *Motion to Dismiss and For Contempt* (“Realty’s MTD”) [*Realty* Docket No. 6];

WHEREAS on February 10, 2016, defendants other than Realty, including FPMC, filed their *Motion to Dismiss Plaintiff’s Class Action Complaint and, Alternatively, Motion for*

¹ The last four digits of debtor Forest Park Medical Center’s federal taxpayer identification number are 8545. The Debtor’s mailing address is c/o the Management Company at Forest Park Medical Center LLC 12222 N. Central Expressway #440 Dallas, Texas 75243.

Abstention (the “Non-Debtors’ MTD,” and collectively with Realty’s MTD, the “MTDs”) [*Realty* Docket No. 13];

WHEREAS, on February 19, 2016, the United States Bankruptcy Court for the Northern District of Texas approved an extension of time for Plaintiffs to file a memorandum of law in opposition to the MTDs to March 5, 2016;

WHEREAS, FPMC filed a petition under Chapter 11 of the United States Bankruptcy Code in the Bankruptcy Court for the Eastern District of Texas on February 21, 2016;

WHEREAS, on March 2, 2016, FPMC filed a Notice of Bankruptcy advising the Bankruptcy Court for the Northern District of Texas that FPMC had filed its Chapter 11 petition; and

WHEREAS, because Plaintiffs’ deadline to file their opposition to the MTDs expires on March 5, 2015, and because the Non-Debtors’ MTD was jointly filed by FPMC and five other defendants, Plaintiffs sought FPMC’s consent to file their opposition to the MTDs despite the provisions of the automatic stay in effect as against FPMC:

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated into this Stipulation, and the covenants and conditions contained herein,

IT IS STIPULATED AND AGREED by and between the Parties as follows:

1. FPMC hereby waives any claim that Plaintiffs’ filing of a memorandum of law in opposition to the MTDs on or before March 5, 2016 violates the automatic stay provided for by 11 U.S.C. §362(a).

2. With respect to Plaintiffs’ claims against FPMC, the above-captioned adversary proceeding is stayed pursuant to the automatic stay (11 U.S.C. §362(a)), absent entry of an order

of the United States Bankruptcy Court for the Eastern District of Texas modifying the automatic stay.

3. FPMC's waiver is limited to claims arising solely from Plaintiffs' filing of a memorandum of law in opposition to the MTDs on or before March 5, 2016.

4. FPMC's waiver herein and this Stipulation shall not be cited by Plaintiffs as evidence that FPMC consents to stay relief in connection with prosecution of Plaintiffs' claims against FPMC.

5. Nothing in this stipulation shall affect Plaintiffs' rights as against parties other than FPMC.

6. This Stipulation contains the entire understanding of the Parties hereto with regard to the matters addressed herein, and supersedes all prior and contemporaneous discussions, negotiations, understandings and agreements, whether oral or written, express or implied, between and among the Parties hereto regarding the subject matter of this Stipulation.

7. Facsimile or other electronic copies of signatures on this Stipulation are acceptable, and a facsimile or other electronic copy of a signature on this Stipulation will be deemed an original.

8. This Stipulation may be executed in counterparts, each of which is deemed an original but when taken together constitute one and the same document.

9. This Stipulation will be effective immediately upon and subject to approval by the Court.

Stipulated and Agreed:

Dated: March 3, 2016

/s/ Brandon Tittle

J. Benjamin King

State Bar No. 24046217

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Dated: March 3, 2016

/s/ Howard Marc Spector

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